

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
Case No. 4:21-CV-112-FL**

BILLY SPEIGHT, Individually and on §
behalf of all others similarly situated, §
§
Plaintiffs, §
§
v. §
§
LABOR SOURCE, LLC, §
§
Defendant. §

**PLAINTIFF’S MOTION FOR LEAVE TO AMEND
SCHEDULING ORDER AND COMPLAINT**

Plaintiff Billy Speight, individually and on behalf of all others similarly situated (“Plaintiff”) and hereby moves for leave pursuant to Federal Rule of Civil Procedure (“Fed. R. Civ. Pro.”) 16(b) to amend this Court’s December 21, 2021 Case Management Order to extend the deadline for amendments to pleadings. Plaintiff also moves for leave pursuant to Fed. R. Civ. Pro. 15(a) to file his First Amended Class and Collective Action Complaint, which adds the following individual as Plaintiffs to this action: Nikia Maye, Jason Hagens, Scottie Williams and Tangela Flanagan (collectively “New Plaintiffs”). In addition, Plaintiff moves to add the following parties, for whom New Plaintiffs performed work, as additional Defendants: (1) BluSky Restoration Contractors, LLC; (2) BMS Cat, LLC; (3) Interstate Restoration LLC d/b/a First OnSite Restoration; (4) DSI Holdings Corporation d/b/a Service Master DSI Corporation; and (5) Servpro of Greater Birmingham, Inc. (collectively “New Defendants”). The Motion further seeks leave to amend to allege a Sub-Class of Crew Leads represented by New Plaintiff Hagens. Finally, the

Motion seeks leave to allege a Subclass for those New Plaintiffs and Class Members who performed work for each of the New Defendants.

In support of this Motion, Plaintiff submits the accompanying memorandum of points and authorities, proposed First Amended Complaint, and the attorney's declaration.

Dated: April 21, 2023

Respectfully Submitted,

/s/ Ori Edelstein
Ori Edelstein

**SCHNEIDER WALLACE
COTTRELL KONECKY LLP**
John J. Nestico
6000 Fairview Road, Suite 1200
Charlotte, NC 28210
Tel: 510.740.2946
Fax: 415.421.7105
jnestico@schneiderwallace.com

Carolyn H. Cottrell*
Ori Edelstein*
Eugene Zinovyev*
2000 Powell Street, Suite 1400
Emeryville, CA 94608
Tel: 415.421.7100
Fax: 415.421.7105
oedelstein@schneiderwallace.com
ccottrell@schneiderwallace.com
ezinovyev@schneiderwallace.com

ATTORNEYS FOR PLAINTIFFS

**Admitted by Special Appearance
(Pursuant to Local Civil Rule 83.1(d))*

CERTIFICATE OF CONFERENCE

I hereby certify that I have attempted to confer with known counsel for Defendant about the subject of this Motion. Defendant's known counsel indicated Defendant was opposed.

/s/ Ori Edelstein
Ori Edelstein

CERTIFICATE OF SERVICE

I certify that on April 21, 2023, I filed this motion through the Eastern District of North Carolina's CM/ECF system which will serve an electronic copy on all parties of record.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART P.C.
Kevin S. Joyner (N.C. Bar No. 25605)
8529 Six Forks Road, Forum IV, Suite 600
Raleigh, NC 27615
919.787.9700
919.783.9412 (Facsimile)
Email: kevin.joyner@ogletree.com

Justin M. Dean
4520 Main Street, Suite 400
Kansas City, MO 64111
816.410.2244
816.471.1303 (Facsimile)
Emails: justin.dean@ogletree.com

/s/ Ori Edelstein
Ori Edelstein